

Message Text

CONFIDENTIAL

PAGE 01 BANGKO 27682 01 OF 02 070832Z
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FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC PRIORITY 648
INFO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 27682

EO 11652: GDS
TAGS: SREF, TH
SUBJ: VISIT OF UNHCR TEAM

1. GILBERT JAEGER, DIRECTOR PROTECTION DIVISION, UNHCR, CALLED ON AMBASSADOR NOVEMBER 4, ACCOMPANIED BY NEW UNHCR RESIDENT REP GOODYEAR, TO GIVE SUMMARY OF HIS MEETINGS WITH SENIOR RTG OFFICIALS INCLUDING MOI UNDERSECRETARY WINYU AND MFA UNDER-SECRETARY WONG.

2. JAEGER INDICATED THAT ORIGINAL PURPOSE OF HIS MISSION HAD BEEN TO DISCUSS WITH RTG THE MAJOR PROBLEMS CAUSED UNHCR BY RTG INTENTION TO MOVE UNILATERALLY IN DETERMINING WHO WOULD QUALIFY AS REFUGEES AND WHO WOULD BE CONSIDERED ILLEGAL IMMIGRANTS. JAEGER INDICATED UNHCR WAS PARTICULARLY CONCERNED BECAUSE RTG OFFICIALS PUBLICLY LINKED THEIR NEW POLICY TO JULY 22 RTG AGREE-MENT WITH UNHCR, WRONGLY IMPLYING THAT UNHCR APPROVED NEW PRO-CEDURES. IN ADDITION, BECAUSE OF THE PRESSING NATURE OF PROBLEMS RELATED TO RTG HANDLING OF BOAT CASES, JAEGER MADE THAT A MAJOR PART OF HIS PRESENTATION.

3. WITH REGARD TO BOAT CASES, JAEGER INDICATED HE TOOK A FIRM STAND WITH UNDERSECRETARY WINYU AND OTHER SENIOR MOI OFFICIALS IN THEIR MEETING. HOWEVER, THAIS CAME BACK STRONGLY. THEY INSISTED
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PAGE 02 BANGKO 27682 01 OF 02 070832Z

THAT THAILAND HAD NO INTENTION OF PERMANENTLY ACCEPTING ANY VIETNAMESE REFUGEES. IF OTHERS WISHED THAILAND TO CONTINUE ACCEPT-ING BOAT CASES, MOI OFFICIALS SAID UNHCR AND THE COUNTRIES CON-CERNED SHOULD PROVIDE NUMERICAL QUOTAS IN ADVANCE SO THAT THAI RESPONSIBILITIES WOULD INVOLVE ONLY BRIEF TEMPORARY ACCEPTANCE OF BOAT CASE REFUGEES BEFORE DEPARTING FOR COUNTRIES ACCEPTING THEM. JAEGER SAID THAT HE CAME BACK, POINTING OUT THAT THE OTHER

GOVERNMENTS HAD ALREADY ACCEPTED OVER 4,000 OUT OF ABOUT 6,000 BOAT CASE REFUGEES AND THAT WAS A CLEAR SIGN OF THEIR INTENTION TO CONTINUE TO HELP RTG IN DEALING WITH THIS PROBLEM. OVERALL, JAEGER DESCRIBED DISCUSSIONS OF BOAT CASE REFUGEES "DIALOGUE OF THE DEAF" ALTHOUGH GOODYEAR HAD IMPRESSION THAT THAIS MIGHT BE SLIGHTLY MORE FLEXIBLE THAN THEIR STATEMENTS. BOTH FELT THAT THE FORCEFUL PRESENTATION JAEGER MADE ON BOAT CASES IN ANY EVENT DID HAVE SOME IMPACT.

4. WITH REGARD TO NEW RTG POLICY ON PROCESSING REFUGEES AS APPLIED TO LAND BORDER AREAS, JAEGER INDICATED THAT BEFORE HIS MEETINGS WITH MOI OFFICIALS HE HAD PRIVATELY GOTTEN COPIES OF CURRENT INSTRUCTION TO PROVINCIAL GOVERNORS. INSTRUCTION SETS UP THREE TIER PROCEDURES FOR HANDLING REFUGEES TRYING TO ENTER THE COUNTRY. THEY ARE:

A. AT BORDER, POLICE ARE TO REFUSE ENTRY, INDICATING THAT REFUGEE HAS NO PROPER DOCUMENTATION (ACCORDING TO JAEGER, INSTRUCTION DID NOT INDICATE WHETHER POLICE WERE TO USE FORCE OR SIMPLY VERBALLY DISCOURAGE THE WOULD-BE REFUGEE.)

B. IF REFUGEE IN FACT ELUDES BORDER POLICE AND GETS INTO THE COUNTRY, HIS CASE WOULD BE REFERRED TO A DISTRICT COMMITTEE CONSISTING OF CIVIL, POLICE AND MILITARY OFFICIALS. THAT COMMITTEE MAKES INITIAL REVIEW OF CASE, AND SUBMITS TO PROVINCIAL LEVEL RECOMMENDATION AS TO WHETHER HE IS A BONA FIDE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BANGKO 27682 01 OF 02 070832Z

POLITICAL REFUGEE;

C. PROVINCIAL LEVEL COMMITTEE OF POLICE, CIVIL, MILITARY AND IMMIGRATION OFFICIALS REVIEW RECOMMENDATION AND SUBMIT IT FOR GOVERNOR'S FINAL DECISION.

5. IN DISCUSSION WITH WINYU AND OTHER MOI OFFICERS, JAEGER SAID THEY CONFIRMED NEW POLICY WOULD BE IMPLEMENTED ON NOVEMBER 15, AS WELL AS GENERAL OUTLINE OF PROCEDURES FOR HANDLING REFUGEES OUTLINED ABOVE. JAEGER PRESSED THEM ON WHAT UNHCR ROLE WOULD BE IN DETERMINING STATUS OF REFUGEES UNDER NEW PROCEDURE. HE WAS TOLD THAT THEY ENVISION NO UNHCR ROLE. MOI OFFICIALS MADE CLEAR THAT THEY VIEWED DETERMINATION OF REFUGEES' STATUS AS SOLELY INTERNAL RTG MATTER NOT INVOLVING OTHERS. ALSO POINTED TO THE PROBLEMS POSED BY RTG IN HANDLING LARGE NUMBER OF REFUGEES COMING ACROSS BORDERS, MANY OF WHOM THE THAI BELIEVED WERE IN FACT ECONOMIC MIGRANTS.

CONFIDENTIAL

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PAGE 01 BANGKO 27682 02 OF 02 070844Z
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C O N F I D E N T I A L SECTION 2 OF 2 BANGKOK 27682

6. JAEGER EXPRESSED PARTICULAR CONCERN OVER APPARENT INTENTION OF RTG TO ALLOW POLICE AT BORDER TO TURN REFUGEES BACK WITHOUT PROPER ADMINISTRATIVE REVIEW. HE SAID THAT IT WAS A DE FACTO REFOULEMENT. IN TYPKICAL THAI FASHION, WINYU AND OTHER MOI OFFICIALS INDICATED POLICE IN FACT CAUGHT VERY FEW WOULD-BE REFUGEES AT BORDER SINCE MOST OF THEM HAD SENSE ENOUGH TO SLIP ACROSS IN UNGUARDED AREAS. JAEGER ALSO INDICATED THAT THE MOI OFFICERS "LEFT THE DOOR OPEN A CRACK" FOR A POSSIBLE UNHCR ROLE. HE SAID THE MOI OFFICIALS TOOK INITIATIVE TO POINT OUT THAT THE NEW PROCEDURE WILL BE ESTABLISHED IN ACCORDANCE WITH THE CURRENT IMMIGRATION LAW WHICH ALLOWS FOR APPEAL OF PROVINCIAL DECISIONS BY REFUGEES TO THE MINISTRY OF INTERIOR. MOI OFFICERS DID NOT RULE OUT POSSIBILITY OF UNHCR INVOLVEMENT AT THAT LEVEL. JAEGER SAID THAT GOODYEAR AND UNHCR STAFF WOULD BE FOLLOWING UP WITH MOI TO SEE WHAT COULD BE DONE WITH THIS SMALL OPENING.

7. IN SEPARATE MEETING WITH MFA STAFF, JAEGER SAID WONG TOOK EXACTLY SAME POSITION ON ISSUES AS MOI. WONG CONFIRMED THAT RTG DID NOT INTEND TO GIVE UNHCR ANY FORMAL ROLE IN DETERMINING STATUS OF REFUGEES. FURTHER, HE MENTIONED PAST EFFORT TO GET LPDR AGREEMENT TO ALLOW SAFE RETURN TO LAOS OF ILLEGAL ENTRANTS. IN THAT REGARD, HE PRESSED UNHCR TO AGAIN APPROACH LAO ON THIS ISSUE, ASKING THAT LPDR ASSURE THAT REFUGEES RETURNING TO LAOS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BANGKO 27682 02 OF 02 070844Z

WOULD NOT BE PUNISHED.

8. JAEGER SAID HE AGREED TO DO SO. HE SAID THAT UNHCR APPROACH WOULD BE LIMITED TO ASKING LPDR AGREEMENT TO A STATEMENT

ASSURING THE SAFETY OF ANY REFUGEES WHO MIGHT WISH TO RETURN TO LAOS. JAEGER SAID THAT, IF LPDR AGREED, UNHCR WOULD THEN SIMPLY CIRCULATE A STATEMENT IN CAMPS INDICATING THAT LPDR HAD GIVEN SUCH ASSURANCE FOR ANY REFUGEES WHO MIGHT WISH TO RETURN. HE SAID THAT BASED ON HIS OWN ASSESSMENT AND THAT OF UNHCR FIELD REPS HERE IN THAILAND, THERE WOULD BE NO TAKERS AMONG THE REFUGEES AT THIS TIME.

9. COMMENT: JAEGER MADE NO APPARENT HEADWAY WITH THAIS ON BOAT CASE SITUATION. HOWEVER, DO BELIEVE THAT HIS REPRESENTATIONS, AND FACT THAT HE AND OTHER UNHCR REPS VISITED SONGKHLA CAMPS ON OCTOBER 5-6 WILL HAVE AT LEAST SOME TEMPORARY RESTRAINING IMPACT.

10. IT WAS OUR IMPRESSION THAT JAEGER, LIKE OURSELVES, WAS LESS SURE AS TO WHAT ACTUAL IMPACT OF NEW RTG PROCEDURES WILL BE ON INLAND REFUGEES. HE AGREED THAT RTG POSITION SEEMED IN PART TO BE AIMED AT DISCOURAGING MOVEMENT OUT OF LAOS AND HE WAS PERSONALLY SYMPATHETIC TO THE MAJOR PROBLEMS CONFRONTING RTG BY THE HEAVY REFUGEE FLOW. FURTHER, HE WAS SLIGHTLY ENCOURAGED BY THE SMALL OPENING MOI OFFICIALS HAVE GIVEN FOR A POSSIBLE UNHCR ROLE. AT SAME TIME JAEGER MADE SURE RTG AND OTHERS FULLY UNDERSTAND THAT UNHCR WAS IN NO WAY INVOLVED IN THE PROCEDURES WHICH THE RTG IS ADOPTING WITH REGARD TO REFUGEES, DID NOT APPROVE THEM, AND REMAINS DEEPLY CONCERNED IF THESE PROCEDURES LEAD TO REFOULEMENT.

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